



Senate

General Assembly

File No. 653

February Session, 2004

Substitute Senate Bill No. 54

Senate, April 26, 2004

The Committee on Appropriations reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT ALLOWING LIMITED STRESS-RELATED BENEFITS UNDER THE WORKERS' COMPENSATION ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (16) of section 31-275 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2004*):

4 (16) (A) "Personal injury" or "injury" includes, in addition to
5 accidental injury [which] that may be definitely located as to the time
6 when and the place where the accident occurred, an injury to an
7 employee [which] that is causally connected with [his] employment
8 and is the direct result of repetitive trauma or repetitive acts incident
9 to such employment, and occupational disease.

10 (B) "Personal injury" or "injury" shall not be construed to include:

11 (i) An injury to an employee [which] that results from [his] the
12 employee's voluntary participation in any activity the major purpose

13 of which is social or recreational, including, but not limited to, athletic
14 events, parties and picnics, whether or not the employer pays some or
15 all of the cost of such activity;

16 (ii) A mental or emotional impairment, unless such impairment
17 arises (I) from a physical injury or occupational disease, or (II) in the
18 case of a police officer, from such police officer's use of deadly force or
19 subjection to deadly force in the line of duty, regardless of whether
20 such police officer is physically injured, provided such police officer is
21 the subject of an attempt by another person to cause such police officer
22 serious physical injury or death through the use of deadly force, and
23 such police officer reasonably believes such police officer to be the
24 subject of such an attempt. As used in this clause, "police officer"
25 means a member of the Division of State Police within the Department
26 of Public Safety or an organized local police department, and "in the
27 line of duty" means any action that a police officer is obligated or
28 authorized by law, rule, regulation or written condition of
29 employment service to perform, or for which the police officer is
30 compensated by the public entity such officer serves.

31 (iii) A mental or emotional impairment [which] that results from a
32 personnel action, including, but not limited to, a transfer, promotion,
33 demotion or termination; or

34 (iv) Notwithstanding the provisions of [clause (i) of this]
35 subparagraph (B)(i) of this subdivision, "personal injury" or "injury"
36 includes injuries to employees of local or regional boards of education
37 resulting from participation in a school-sponsored activity but does not
38 include any injury incurred while going to or from such activity. As
39 used in this clause, "school-sponsored activity" means any activity
40 sponsored, recognized or authorized by a board of education and
41 includes activities conducted on or off school property and
42 "participation" means acting as a chaperone, advisor, supervisor or
43 instructor at the request of an administrator with supervisory
44 authority over the employee.

45 Sec. 2. (NEW) *(Effective October 1, 2004)* Notwithstanding any

46 provision of chapter 568 of the general statutes, workers' compensation
47 benefits for any police officer, as defined in subparagraph (B) (ii) of
48 subdivision (16) of section 31-275 of the general statutes, as amended
49 by this act, who suffers a mental or emotional impairment arising from
50 such police officer's use of deadly force or subjection to deadly force in
51 the line of duty, shall be limited to treatment by a psychologist or a
52 psychiatrist who is on the approved list of practicing physicians
53 established by the chairperson of the Workers' Compensation
54 Commission pursuant to section 31-280 of the general statutes.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>

APP *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Public Safety, Dept.	GF - Cost	See Below	See Below
Treasurer	SIF - None	None	None
Workers' Compensation Com.	GF - None	None	None

Note: GF=General Fund; SIF=Second Injury Fund

Municipal Impact:

Municipalities	Effect	FY 05 \$	FY 06 \$
All Municipalities	STATE MANDATE - Cost	See Below	See Below

Explanation

The bill expands workers' compensation coverage for state and local police to include counseling for mental and emotional impairments for officers who use deadly force, or are the target of the attempted use of deadly force. Under the bill, police officers are eligible for counseling under workers' compensation even if no physical injury occurs from using, or being subject to, deadly force. Under current law, mental and emotional injuries are compensable only if they result from a physical injury.

This bill will result in additional costs to the state and municipalities. The extent of these costs depends on the number of workers' compensation claims filed for counseling for mental or emotional impairments. The number of cases where a police officer incurs only mental or emotional injuries as a result of being subject to deadly force is not known. Considering the large number of police officers covered under the bill, many workers' compensations claims could be filed. There are approximately 8,000 sworn police officers in the state, 1,150 are state troopers.

There are a considerable number of police officers assaulted every year. In 2001, 721 state and municipal law enforcement officers were assaulted, with 366 officers reporting no injuries. Dangerous weapons were used in approximately 98 of the assaults.¹

The workers' compensation fee schedule indicates that the cost of an initial psychological interview and exam is \$185 and each follow-up visit is \$126. A police officer could require multiple sessions, potentially costing several thousand dollars. It is possible that police officers would receive mental or emotional counseling through their state or municipal health insurance plans, or employee assistance programs. This is not likely as the police officer's health insurance plan, for example, may limit the number of counseling sessions and charge a co-pay.

While it is anticipated that there will be an increase in the number of cases brought before the Workers' Compensation Commission, this will not result in the need for an additional appropriation.

This bill is a state mandate on municipalities, particularly to those municipalities that are self-insured.

¹ According to the Department of Public Safety's 2001 Crime in Connecticut Annual Report - Uniform Crime Reports.

OLR BILL ANALYSIS

sSB 54

***AN ACT ALLOWING LIMITED STRESS-RELATED BENEFITS
UNDER THE WORKERS' COMPENSATION ACT*****SUMMARY:**

This bill expands workers' compensation coverage for state and local police to include counseling for mental and emotional impairments in limited situations where no physical injury occurs. It applies to a police officer who in the line of duty (1) used deadly force or (2) was the target of the attempted use of deadly force and reasonably believes he was at risk of physical injury. Under current law, mental and emotional injuries are compensable only if they arise from a physical injury.

Under the bill, a police officer acts within the line of duty when he does what he is required, authorized, or paid to do. The bill specifies that police eligible under its provisions may receive treatment only by a psychologist or a psychiatrist on an approved list established by the Workers' Compensation Commission chairman pursuant to statutes.

EFFECTIVE DATE: October 1, 2004

BACKGROUND***Legislative History***

The Senate referred the original bill (File 309) to the Appropriations Committee on April 6. On April 13, Appropriations reported out this substitute version, which (1) eliminates emotional impairment workers' compensation benefits for employees who witness the death of another employee or a client while on the job and (2) narrows the definition of a police officer to just state and local police.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 8 Nay 4

Appropriations Committee

Joint Favorable Substitute

Yea 36 Nay 11